(24)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6744 of 2007

PETITIONER Rajesh Kumar Sahu, s/o late Bhagwan Prasad Sahu, aged about 22 years, r/o Jawalpur, via Baloda Distt. Janjgir Champa (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, through Secretary, School Education, D.K.S. Bhawan, Raipur, Distt. Raipur (C.G).
2. District Education officer, Janjgir Champa (C.G)
3. Collector, District Janjgir Champa (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Y. Kailash Rao, counsel for the petitioner.

Shri Ajay Dwivedi, P.L. appears for the State on advance copy.

ORAL ORDER
(17.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that father of the petitioner died in harness, therefore, the petitioner was given compassionate appointment on the post of Shiksha Karmi, Grade-III, by order dated 02.6.2004 (Annexure P-1). He submits that as an effect of the aforesaid appointment order, the petitioner is continuously working on the said post, but his services have not been regularized so far. The petitioner has prayed for issuance of mandamus to the respondents to convert petitioner's appointment from temporary appointment to regular appointment with retrospective effect.

A perusal of condition no.4 of the appointment order would show that appointment of the petitioner on the post of *Shiksha Karmi, Grade III* has been made subject to all service conditions which are made applicable in case of *Shiksha Karmi*.

Needless to say that when such condition is already there in the appointment order, the rules relating to service conditions of Shiksha Karkmi would automatically be made applicable to the case of the petitioner. According to such rules, at the appropriate time, the petitioner shall be entitled for his regularization in accordance with law.

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Learned counsel for the petitioner could not point out violation of any rules which govern the service conditions of Shiksha Karmi.

In the facts and circumstances of the case, I am not inclined to admit this petition for further hearing. The petition has no merit and the same is disposed of at the motion stage itself.

However, it is made clear that this order will not come in the way of regularization of the petitioner if in usual terms he attains the status for regularization in his services.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/